

Self-Gov - Real Estate Commission

Real Estate Regulation

Description:

Idaho law (Chapter 20, Title 54, Idaho Code) charges the Idaho Real Estate Commission (Commission) with administering and enforcing the license law for real estate brokers, salespersons and certain business entities and with administering the Idaho Subdivided Lands Disposition Act (Chapter 18, Title 55, Idaho Code). To meet these mandates, the Commission seeks to protect the public interest, which includes both the interests of the regulated licensees, such as real estate brokers, associate brokers, salespersons, real estate corporations, real estate limited liability companies, real estate partnerships, real estate limited partnerships and real estate limited liability partnerships and the interests of prospective (or otherwise) buyers and sellers of the services of these regulated licensees.

Major Functions and Targeted Performance Standard(s) for Each Function:

1. Review, comply with and modify all procedures as necessary.
 - A. Provide appropriate training to staff.

Actual Results			
1996	1997	1998	1999
256 hrs	256 hrs	256 hrs	231 hrs
Projected Results			
2000	2001	2002	2003
256 hrs	256 hrs	256 hrs	256 hrs

- B. Develop policies and procedures for tasks currently without written procedures, such as, how to properly administer the Idaho Subdivided Lands Disposition Act.

Actual Results			
1996	1997	1998	1999
	50%	50%	50%
Projected Results			
2000	2001	2002	2003
75%	100%	100%	100%

- C. Review, conduct rule hearings and set examination and license fees as needed.

Actual Results			
1996	1997	1998	1999
2 hearings	0 hearings	1 hearing	7 hearings
Projected Results			
2000	2001	2002	2003
1 hearing	1 hearing	1 hearing	1 hearing

- D. Schedule meetings, establish meeting agendas and conduct meetings of the Commission at least monthly. Conduct meetings in Boise and throughout the state as budget allows. Take, transcribe and distribute minutes.

Actual Results			
1996	1997	1998	1999
13 meetings	11 meetings	15 meetings	14 meetings
Projected Results			
2000	2001	2002	2003
12 meetings	12 meetings	12 meetings	12 meetings

Self-Gov - Real Estate Commission

Real Estate Regulation

- E. Schedule meetings, establish meeting agendas and conduct meetings of the Idaho Real Estate Education Council in Boise at least quarterly. Take, transcribe and distribute minutes.

Actual Results			
1996	1997	1998	1999
5 meetings	5 meetings	5 meetings	6 meetings
Projected Results			
2000	2001	2002	2003
5 meetings	5 meetings	5 meetings	5 meetings

2. Propose modifications to the law as necessary.

- A. Recodify the law to correspond with today's practices and public's needs.

Actual Results			
1996	1997	1998	1999
5%	5%	25%	75%
Projected Results			
2000	2001	2002	2003
100%	0%	0%	5%

- B. Examine Commission's role in regard to problems associated with unlicensed property inspectors and mortgage brokers.

Actual Results			
1996	1997	1998	1999
100%	100%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

- C. Monitor practices of persons who are practicing real estate without a license and report promptly to the county prosecutor's office. Continue to monitor whether or not any action is being taken against these individuals.

Actual Results			
1996	1997	1998	1999
100%	100%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

3. Encourage and develop cooperation with other state agencies and local, state, and national organizations involved with the real estate brokerage industry.

- A. Maintain membership and actively participate in the Association of Real Estate License Law Officials.

Actual Results			
1996	1997	1998	1999
100%	100%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

Self-Gov - Real Estate Commission
Real Estate Regulation

- B. Maintain membership and actively participate in the Real Estate Educators Association.

Actual Results			
1996	1997	1998	1999
100%	100%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

- C. Maintain a cooperative relationship with the National Association of Realtors, the Idaho Association of Realtors and the local Realtors Boards.

Actual Results			
1996	1997	1998	1999
100%	100%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

- D. Develop and maintain cooperative relationships with lenders, title companies, appraisers, builders, attorneys and other related industries.

Actual Results			
1996	1997	1998	1999
100%	100%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

4. Assure that applicants and regulated licenses meet minimum competency and minimum requirement levels.

- A. Conduct job analysis or contract for services to provide job analysis.

Actual Results			
1996	1997	1998	1999
1	1	0	0
Projected Results			
2000	2001	2002	2003
0	0	1	1

5. To provide cost-efficient administration, high quality, and fairness in all qualifying examinations.

- A. Contract with reliable psychometricians to develop and administer examinations.

Actual Results			
1996	1997	1998	1999
100%	100%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

Self-Gov - Real Estate Commission
Real Estate Regulation

- B. Cooperate and participate in item writing workshops with subject matter experts at least biannually.

Actual Results			
1996	1997	1998	1999
1	1	3	2
Projected Results			
2000	2001	2002	2003
1	1	1	1

- C. Review all test forms in the month prior to their administration in order to assure that all questions test accurately on current law, rules and practices.

Actual Results			
1996	1997	1998	1999
100%	100%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

6. To prescreen applicants for licensure for prior criminal offenses and/or license revocations.

- A. Cooperate with local law enforcement officials and the FBI to obtain fingerprint cards marked with the Commission's identification code.

Actual Results			
1996	1997	1998	1999
3,000	3,000	3,000	3,000
Projected Results			
2000	2001	2002	2003
3,000	3,000	3,000	3,000

- B. Collect a completed fingerprint card from the applicant together with the fingerprint fee.

Actual Results			
1996	1997	1998	1999
810	780	700	740
Projected Results			
2000	2001	2002	2003
1,000	1,000	1,000	800

- C. Submit fingerprint card to local law enforcement officials.

Actual Results			
1996	1997	1998	1999
100%	100%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

Self-Gov - Real Estate Commission
Real Estate Regulation

D. Transfer fingerprint fee to law enforcement officials.

Actual Results			
1996	1997	1998	1999
100%	100%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

E. Participate in the Association of Real Estate License Law Officials Data Bank by submitting disciplinary actions taken against regulated licensees in Idaho and submitting names of license applicants and fees to Data Banks for screening to determine if disciplinary actions have been taken against their licenses in other jurisdictions.

Actual Results			
1996	1997	1998	1999
400	750	890	830
Projected Results			
2000	2001	2002	2003
800	800	900	800

7. To provide cost-efficient administration, high quality, and fairness in all qualifying prelicense and continuing education.

A. Provide initial review for each school, instructor, or course applicant seeking approval within two business days of receipt.

Actual Results			
1996	1997	1998	1999
100%	100%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

B. Notify each school, instructor, or course applicant of approval of application or of deficiencies in the applications within five business days of receipts of application.

Actual Results			
1996	1997	1998	1999
100%	100%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

C. Review standardized course outlines and exams on a regular basis.

Actual Results			
1996	1997	1998	1999
100%	100%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

Self-Gov - Real Estate Commission**Real Estate Regulation**

- D. Assure that appropriate prelicensing and continuing education opportunities are available for regulated licensees.

Actual Results			
1996	1997	1998	1999
209 courses	200 courses	143 courses	178 courses
Projected Results			
2000	2001	2002	2003
200 courses	200 courses	300 courses	200 courses

- E. Conduct annual instructor training program.

Actual Results			
1996	1997	1998	1999
29 students	38 students	39 students	27 students
Projected Results			
2000	2001	2002	2003
38 students	38 students	39 students	30 students

- F. Maintain open communications with certified schools and instructors.

Actual Results			
1996	1997	1998	1999
37 visits	40 visits	14 visits	18 visits
Projected Results			
2000	2001	2002	2003
35 visits	35 visits	35 visits	30 visits

8. To provide cost-efficient administration, high quality, and fairness in mandatory errors and omissions insurance coverage.

- A. Collect premium from each applicant for active licensure, together with application for group insurance prior to application approval or collect proof of acceptable independent coverage.

Actual Results			
1996	1997	1998	1999
2,700	2,700	1,800	2,500
Projected Results			
2000	2001	2002	2003
3,300	4,500	3,000	2,500

- B. Transfer premiums to group errors and omissions provider.

Actual Results			
1996	1997	1998	1999
100%	100%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

Self-Gov - Real Estate Commission
Real Estate Regulation

9. To assess the continued competence of licensees and review regulated business activities and practices.

- A. Provide annual continuing education programs which include current issues, trends, laws and rules together with fair qualifying examinations.

Actual Results			
1996	1997	1998	1999
1,800 exams	2,400 exams	1,850 exams	2,600 exams
Projected Results			
2000	2001	2002	2003
1,800 exams	2,500 exams	1,800 exams	2,500 exams

- B. Conduct office inspections and audits of broker's records at least every two years.

Actual Results			
1996	1997	1998	1999
400	180	260	330
Projected Results			
2000	2001	2002	2003
500	500	300	300

- C. Examine and review the handling of trust accounts and every firm during the first two years of operation.

Actual Results			
1996	1997	1998	1999
	0	20%	30%
Projected Results			
2000	2001	2002	2003
60%	80%	100%	100%

10. Provide for investigations of complaints filed against licensees.

- A. Initiate an investigation of any written request for investigation within five days of its receipt.

Actual Results			
1996	1997	1998	1999
259	230	300	323
Projected Results			
2000	2001	2002	2003
300	300	300	400

- B. Complete all investigations initiated within ninety days, including a written report with recommendations of action or closure.

Actual Results			
1996	1997	1998	1999
300	170	300	294
Projected Results			
2000	2001	2002	2003
300	300	300	400

Self-Gov - Real Estate Commission

Real Estate Regulation

11. To maintain a lending library of current real estate books, audio and videotapes for the industry and the public.

A. Purchase revisions and new publications annually and discard outdated material and monitor use.

Actual Results			
1996	1997	1998	1999
479 checkouts	760 checkouts	1,126 checkouts	1,230 checkouts
Projected Results			
2000	2001	2002	2003
725 checkouts	725 checkouts	1,000 checkouts	1,000 checkouts

12. Assure that license applicants, licensees and consumers receive their due process rights under the regulatory and disciplinary powers of the statutes.

A. Administer the disciplinary powers of the license law within the procedures set forth in the Administrative Procedures Act.

Actual Results			
1996	1997	1998	1999
20 hearings	13 hearings	15 hearings	27 hearings
Projected Results			
2000	2001	2002	2003
20 hearings	20 hearings	25 hearings	25 hearings

13. Seek ways of communicating with license applicants, regulated licensees and consumers to assure accurate collection and dissemination of regulatory data, laws and rules.

A. Develop and distribute educational newsletters to all licensees semi-annually, which includes schedules of courses.

Actual Results			
1996	1997	1998	1999
33,500 copies of 4	14,000 copies of 2	14,000 copies of 2	14,000 copies of 2
Projected Results			
2000	2001	2002	2003
14,000 copies of 2	14,000 copies of 2	14,000 copies of 2	14,000 copies of 2

B. Develop and distribute an informational bulletin with important license information to license applicants as necessary.

Actual Results			
1996	1997	1998	1999
0	0	0	4,500
Projected Results			
2000	2001	2002	2003
3,000	3,000	3,000	3,000

Self-Gov - Real Estate Commission
Real Estate Regulation

- C. Maintain a current informational brochure for consumers that explains agency representation and the choices that they may make.

Actual Results			
1996	1997	1998	1999
47,900	158,000	154,000	160,000
Projected Results			
2000	2001	2002	2003
82,700	82,000	85,000	90,000

- D. Contract with testing company to develop, print and distribute a handbook for all applicants which includes applications and information for examination and licensure.

Actual Results			
1996	1997	1998	1999
3,000	2,000	1,800	1,900
Projected Results			
2000	2001	2002	2003
2,000	2,000	2,000	2,000

- E. Make available unofficial copies of license law and Commission rules for students, the general public and regulated licensees at minimal cost.

Actual Results			
1996	1997	1998	1999
4,000 copies	5,000 copies	1,500 copies	3,600 copies
Projected Results			
2000	2001	2002	2003
6,000 copies	3,500 copies	5,000 copies	3,000 copies

14. To hear and appreciate the concerns of regulated licensees and consumers. Respond promptly to all requests from the public and licensees for information concerning regulated activities, the law, and enforcement procedures within the following time frames.

- A. Assist promptly all persons who make inquiries by telephone and who reach the Commission's telephone system by supplying either (1) a staff member's assistance or (2) options to leave a message requesting the assistance of a staff member (to which a staff member will respond within two business hours of the call) or to request that the Commission mail or "FAX" the appropriate form.

Actual Results			
1996	1997	1998	1999
100%	100%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

Self-Gov - Real Estate Commission

Real Estate Regulation

- B. Respond to requests for forms within one business day and to requests for written responses to questions within five business days.

Actual Results			
1996	1997	1998	1999
75%	98%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

- C. Respond to requests for open records and for standard computer printouts within the time frames required by the Open Records Act or a mutually acceptable delivery date otherwise.

Actual Results			
1996	1997	1998	1999
100%	100%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

15. Develop and maintain a "Commissioner Reference Manual" to educate and assure conformance with duties required of commissioners.

- A. Include Introduction to the Commission; Purpose of the Commission; Administrative Authority; Structure of the Commission; Commission Meeting Policy; Enactment of Laws and Rules; Divisions of the Staff and Their Activities; Administrative Hearing Process; Organizational Charts; Annual Reports; Budgeting Process; Minutes of at least four previous meetings; Travel and Reimbursement of Expenses; Commission Roster; and Strategic Plan.

Actual Results			
1996	1997	1998	1999
50%	50%	100%	100%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

16. Develop and maintain an "Education Council Reference Manual."

- A. To educate and assure conformance with duties required of the Real Estate Education Council members.

Actual Results			
1996	1997	1998	1999
0%	0%	0%	50%
Projected Results			
2000	2001	2002	2003
100%	100%	100%	100%

Program Results and Effect:

The purpose of the real estate license law and the Commission is fourfold. First, it seeks to help to protect the public from intentional or unintentional harmful acts of persons acting as real estate brokers or sales persons by assuring that persons acting in that capacity meet basic levels of competency. Second, it seeks to help to protect the public from intentional or unintentional harmful acts of persons acting as real estate brokers and salespersons by assuring that persons acting in that capacity meet basic levels of business conduct. Third, it seeks to provide for investigations and penalties against brokers and salespersons who violate the license law. Fourth, it seeks to encourage satisfied buyers and sellers and the economic success of licensees.

It may help to better understand the purpose of the license law and the role of the Commission by reviewing some things the license law and Commission should not do. Neither should protect special business practices of the industry. Neither should unreasonably limit entry into the profession. Neither should regulate licensees in actions beyond their roles in real estate brokerage transactions. Neither should redress hasty, injudicious investments that members of the public make unless a licensee induced those investments. Neither should resolve contractual disputes.

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